



BRIEFING: MARCH 8, 2016 BOARD MEETING AGENDA ITEM #5

TO: Chairman Richard and Board Members

FROM: Alan Glen, Director of Real Property

DATE: March 8, 2016

RE: Approval to Amend the Existing Right-of-Way Engineering & Survey Support Services Contracts

Background

The California High-Speed Rail Authority (Authority) is responsible for acquisition of real property in excess of 1500 parcels for the delivery of the First Construction Section (FCS) in the Central Valley comprised of Construction Packages (CPs) 1, 2-3 and 4 totaling approximately 120 miles. Right-of-way (ROW) Engineering & Survey Support Services have been procured to support the Authority in acquiring the necessary property. As of February 26, the Authority has delivered to the design-build contractors 616 parcels; 60% of those ultimately needed for CP 1 and 32% ultimately needed for CP 2-3. Given the magnitude of the ROW acquisition effort, the Authority has existing contracts with multiple firms.

The Authority has four existing contracts for ROW Engineering & Survey Support Services. The original contract amounts were \$3.2 million for each contract (\$12.8 million total) with an end date of February 28, 2018. The Request for Qualifications (RFQ) HSR 13-63 included work for parcels in CP 2-3 and CP 4.

Since that time, many of the parcels have required mapping changes due to the introduction of Alternative Technical Concepts (ATCs). Alternative Technical Concepts are the innovative solutions that the design-build proposers provided during the procurement process to reduce costs while providing the same functionality of the proposed design. Many of the ATC's introduce modifications to the needed ROW that must be acquired once those new features are environmentally cleared. In addition to this remapping, the condemnation process and negotiations with property owners during the acquisition process have required more work than previously contemplated. Due to this unforeseen work, staff now anticipates that the existing funding will only last until the third quarter of this year.

In order to maintain the rate of acquisition and meet the Authority schedule for delivering parcels to the design-build contractors, Authority staff seeks to extend the duration of the existing contracts until April 30, 2020 and to add an amount not to exceed \$10 million to the existing contracts. Of the \$10 million requested in additional funds, the anticipated maximum amount to be awarded to a single firm would not exceed \$3.5 million. The amount allocated to each

contract will be dependent on the capacity of the existing firms and their ability to deliver the required services to meet the Authority's ROW delivery schedule. Amending the existing contracts for time and money will enable the Authority to retain institutional knowledge of the existing consultants while maintaining the continuity and momentum of ROW delivery with no disruption to services.

Prior Board Action

In 2013, the Board approved issuance of a Request for Qualifications (RFQ) aimed at procuring four or more contracts for ROW Engineering and Survey Support Services (HSR13-63) in the Central Valley (resolution attached). As a result of this procurement, the Authority entered into five contracts (discussed in further detail below) one has been since terminated at the contractor's request.

Discussion

Table 1: Existing Authority Contracts for ROW Engineering & Support Services

CONSULTANT	CONTRACT	START DATE	END DATE	INITIAL VALUE	Pending Amendments to Distribute HSR 13-66 Contract Authority	VALUE OF ISSUED TASK ORDERS
Mark Thomas	HSR13-64	3/1/2014	2/28/2018	\$3.2M	\$0.6M	\$2.9M
Hernandez Kroone	HSR13-65	3/1/2014	2/28/2018	\$3.2M	\$0.4M	\$2.8M
Chaudhary	HSR13-67	3/1/2014	2/28/2018	\$3.2M	\$0.4M	\$2.4M
O'Dell	HSR13-68	3/1/2014	2/28/2018	\$3.2M	\$0.6M	\$3.1M
			TOTAL	\$12.8M	\$2.0M*	

*Additional \$0.6M remains available for amendment

The four remaining contracts identified in Table 1 are for a total of \$12.8 million. Another \$2 million of existing contract authority previously approved by the Board is being redistributed to these contracts from terminated contract HSR13-66. The scope of these contracts includes administration and project management, progress reports including final reports, information and project tracking systems, and technical services including boundary maps, monumentation maps, survey control maps, records of survey, legal descriptions, appraisal maps, rail road exhibits, public parcel exhibits, Resolution of Necessity exhibits, Resolution of Necessity descriptions, and staking/marking of parcels. These are task order based contracts. Any services provided by a consultant shall only be performed pursuant to an approved task order.

As shown in Table 1, the existing contracts are nearly at capacity given the work that has been assigned to the consultants by way of approved task orders. Based on the addition of approximately 500 parcels required for the FCS beyond the original scope of services due to design refinements, proposed Alternative Technical Concepts in Construction Package 2-3,

ongoing condemnation processes, and negotiations with property owners during the acquisition process, it is estimated that an additional \$10 million in ROW Engineering and Survey Services is required to meet the Authority's obligations to the design-build contractors.

The amendments for additional funds and time to these contracts are consistent with the Authority's Architectural and Engineering Services Procurement Regulations (Title 21, California Code of Regulations, Section 10000.9). The augmented dollar amounts will be in excess of the Board's Delegation of Authority (amended January 14, 2014) for Architectural and Engineering contracts and Board approval is therefore required.

A separate RFQ procurement for Right of Way Engineering Services will be initiated under delegated authority to extend authorized work north of CP 1 to Merced and south of CP 4 to Bakersfield.

In order to maintain the momentum the Authority has gained in delivering ROW, amending the existing contracts is critical. Timely acquisition of ROW is fundamental to the continued progress of the delivery of the FCS.

The recommendation to amend the existing contracts considers the following opportunities and risks: loss of consistency/continuity, established stakeholder relationships, loss of institutional knowledge, and potential disruption and delay.

Authority staff seeks the Board's approval to amend the existing ROW Engineering and Survey Support Services contracts to extend the duration until April 30, 2020 and increase the values of the existing contracts by an amount not to exceed \$10 million. The anticipated maximum amount to be awarded to a single firm would not exceed \$3.5 million. The amount allocated to each contract will be dependent on the capacity of the existing firms and their ability to deliver the required services to meet the Authority's ROW delivery schedule. These funds are available within the current ROW Budget. The majority of the ROW Budget is comprised of ARRA funds with a minor portion coming from the Cap and Trade Greenhouse Gas Reduction Fund for work outside the FCS limits.

Recommendation

It is the recommendation of Authority staff that the Board authorize for the existing contracts, HSR13-64, HSR13-65, HSR13-67, and HSR13-68, a contract duration extension through April 30, 2020, with an increase in contract value not to exceed a total of \$10 million for all four contracts.

Attachments

- Draft Resolution #HSRA 16-07
- Board Resolution #HSRA13-33, approved on December 5, 2013